

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

**DRAFT
2.25.15**

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LLS NO. 15-0649.01 Esther van Mourik x4215

COMMITTEE BILL

Capital Development Committee

BILL TOPIC: "Capital-related Expenditures"

A BILL FOR AN ACT

101 **CONCERNING CAPITAL-RELATED EXPENDITURES, AND, IN CONNECTION**
102 **THEREWITH, GRANTING THE CONTROLLER AUTHORITY TO**
103 **ALLOW EXPENDITURES FOR CAPITAL CONSTRUCTION BUDGET**
104 **APPROPRIATIONS IF NONMONETARY ADJUSTMENTS ARE NEEDED**
105 **WHEN THE LEGISLATURE IS NOT IN SESSION, ADDING A CAPITAL**
106 **DEVELOPMENT COMMITTEE-APPROVED WAIVER FOR THE ARTS**
107 **IN PUBLIC PLACES REQUIREMENT, AND CLARIFYING THE TYPES**
108 **OF CAPITAL CONSTRUCTION PROJECTS TO WHICH THE ARTS IN**
109 **PUBLIC PLACES REQUIREMENT APPLIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Capital Development Committee. Section 1 grants the state controller authority, with certain specific requirements, to allow any department, institution, or agency of the state, including any institution of higher education, to expend moneys differently from the authority granted by an item of appropriation for a capital construction budget item if the capital construction, controlled maintenance, or capital renewal project that the appropriation was for requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not meeting in regular or special session during which such nonmonetary adjustment would be legislatively addressed. Section 1 defines nonmonetary adjustment as a change that does not affect the amount of the appropriation, including a name change, an extension of time for completion, a scope change, a transfer between departments, or other such similar changes.

Section 2 includes an amendment to the arts in public places statute which currently requires each appropriation for a capital construction project to include an allocation of not less than 1% of the state-funded portion of the total construction costs to be used for the acquisition of works of art (1% requirement). This section specifies that the 1% requirement does not apply to a capital construction project that the capital development committee unanimously agrees does not meet the original purpose of the 1% requirement. This section also clarifies that a capital construction project for purposes of the 1% requirement does not include the installation of fixed or moveable equipment or the contracting of services of consultants to prepare construction plans.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-75-111.5 as
3 follows:
4 **24-75-111.5. Additional authority for controller to allow**
5 **expenditures for capital construction items in certain circumstances**
6 **- definition.** (1) FOR PURPOSES OF THIS SECTION, "NONMONETARY
7 ADJUSTMENT" MEANS A CHANGE THAT DOES NOT AFFECT THE AMOUNT OF
8 THE APPROPRIATION, INCLUDING A NAME CHANGE, AN EXTENSION OF TIME
9 FOR COMPLETION, A SCOPE CHANGE, A TRANSFER BETWEEN DEPARTMENTS,

1 OR OTHER SUCH SIMILAR CHANGES.

2 (2) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2015,
3 THE CONTROLLER MAY ALLOW ANY DEPARTMENT, INSTITUTION, OR
4 AGENCY OF THE STATE, INCLUDING ANY INSTITUTION OF HIGHER
5 EDUCATION, TO EXPEND MONEYS DIFFERENTLY FROM THE AUTHORITY
6 GRANTED BY AN ITEM OF APPROPRIATION FOR A CAPITAL CONSTRUCTION
7 BUDGET ITEM IF THE CAPITAL CONSTRUCTION, CONTROLLED
8 MAINTENANCE, OR CAPITAL RENEWAL PROJECT THAT THE APPROPRIATION
9 WAS FOR REQUIRES A NONMONETARY ADJUSTMENT FOR ITS TIMELY
10 CONTINUATION AND THE NONMONETARY ADJUSTMENT IS DUE TO
11 UNFORESEEN CIRCUMSTANCES ARISING WHILE THE GENERAL ASSEMBLY IS
12 NOT MEETING IN REGULAR OR SPECIAL SESSION DURING WHICH SUCH
13 NONMONETARY ADJUSTMENT WOULD BE LEGISLATIVELY ADDRESSED,
14 UNDER THE FOLLOWING CIRCUMSTANCES:

15 (a) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO A
16 CAPITAL CONSTRUCTION BUDGET ITEM AND IS REQUESTED BY A
17 DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE OTHER THAN THE
18 DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE
19 DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE
20 DEPARTMENT:

21 (I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN
22 SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING FOR
23 APPROVAL AND THE OFFICE OF STATE PLANNING AND BUDGETING HAS
24 APPROVED THE NONMONETARY ADJUSTMENT, IN WHOLE OR IN PART; AND

25 (II) UPON APPROVAL BY THE OFFICE OF STATE PLANNING AND
26 BUDGETING, THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS
27 BEEN SUBMITTED TO THE CAPITAL DEVELOPMENT COMMITTEE FOR

1 CONSIDERATION; AND

2 (III) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION
3 REGARDING THE NONMONETARY ADJUSTMENT BY THE CAPITAL
4 DEVELOPMENT COMMITTEE, THE REQUEST FOR THE NONMONETARY
5 ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR
6 APPROVAL; AND

7 (IV) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS
8 BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE
9 MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS
10 RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT
11 BUDGET COMMITTEE; OR

12 (b) IF THE NONMONETARY ADJUSTMENT IS IN REGARD TO A
13 CAPITAL CONSTRUCTION BUDGET ITEM AND IS REQUESTED BY THE
14 DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE
15 DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE
16 DEPARTMENT:

17 (I) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS BEEN
18 SUBMITTED TO THE CAPITAL DEVELOPMENT COMMITTEE FOR
19 CONSIDERATION; AND

20 (II) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION
21 REGARDING THE NONMONETARY ADJUSTMENT BY THE CAPITAL
22 DEVELOPMENT COMMITTEE, THE REQUEST FOR THE NONMONETARY
23 ADJUSTMENT HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE FOR
24 APPROVAL; AND

25 (III) THE REQUEST FOR THE NONMONETARY ADJUSTMENT HAS
26 BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE
27 MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE CONTROLLER HAS

1 RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT
2 BUDGET COMMITTEE.

3 (3) ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE
4 REQUESTING A NONMONETARY ADJUSTMENT PURSUANT TO SUBSECTION
5 (1) OF THIS SECTION SHALL MAKE THE REQUEST IN SUCH FORM AND SHALL
6 INCLUDE IN THE REQUEST SUCH INFORMATION AS MAY BE REQUIRED BY
7 THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL
8 DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE, AS
9 APPLICABLE.

10 (4) NONMONETARY ADJUSTMENTS MUST BE CONSISTENT WITH THE
11 ORIGINAL PURPOSE FOR WHICH THE APPROPRIATION WAS MADE AND MAY
12 NOT CHANGE THE AMOUNT OF THE APPROPRIATION.

13 (5) THE JOINT BUDGET COMMITTEE SHALL INTRODUCE A
14 SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR IN WHICH THE
15 NONMONETARY ADJUSTMENT OCCURRED THAT REFLECTS THE
16 NONMONETARY ADJUSTMENT.

17 **SECTION 2.** In Colorado Revised Statutes, 24-48.5-312, **amend**
18 (2) (b.5), (3) (a) (III) (F), and (3) (a) (III) (G); and **add** (3) (a) (III) (H) as
19 follows:

20 **24-48.5-312. Art in public places program - allocations from**
21 **capital construction costs - guidelines - fund created - definitions.**

22 (2) As used in this section, unless the context otherwise requires:

23 (b.5) "Capital construction" has the same meaning as in ~~section~~
24 ~~24-30-1301 (2)~~ SECTION 24-30-1301 (2) (a), (2) (b), AND (2) (c).

25 (3) (a) (III) The requirements specified in this paragraph (a) do not
26 apply to:

27 (F) Any state appropriation for charter school capital construction

1 pursuant to part 4 of article 30.5 of title 22, C.R.S.; and

2 (G) Capital construction appropriations for capital renewal as
3 defined in section 24-30-1301 (3); AND

4 (H) ANY CAPITAL CONSTRUCTION PROJECTS THAT THE CAPITAL
5 DEVELOPMENT COMMITTEE UNANIMOUSLY AGREES DO NOT MEET THE
6 ORIGINAL PURPOSE OF THE REQUIREMENT SPECIFIED IN THIS PARAGRAPH
7 (a).

8 **SECTION 3. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 5, 2015, if adjournment sine die is on May 6,
12 2015); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2016 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies for fiscal years that begin on or after July 1,
19 2015.